



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,040	06/25/2003	Pierre-Stephane Dufourg	218728-000191	3933
28465	7590	04/05/2004	EXAMINER	
PIPER RUDNICK P. O. BOX 64807 CHICAGO, IL 60664-0807			CHAN, KO HUNG	
			ART UNIT	PAPER NUMBER
			3632	
DATE MAILED: 04/05/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/606,040	<b>Applicant(s)</b> DUFOURG, PIERRE-STEPHANE	
	<b>Examiner</b> Korie H. Chan	<b>Art Unit</b> 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

The abstract of the disclosure is objected to because the abstract should on a single page by itself; consequently, the recitation "Figure 1" in bold in the abstract page should be deleted. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Hatch (US patent no.1,559,695). Hatch discloses trunking running longitudinally in a first direction and comprising at least one substantially U-shaped section that has a bottom (6) and two lateral flanges (4), the trunking delimiting an interior volume capable of accommodating pipes lines running longitudinally the first direction, the trunking comprising rigid lengthwise wires (5) running substantially parallel to the first direction and rigid crosswise wires (4 and 6) running substantially at right angles to the first direction, the crosswise wires being fixed the lengthwise wires toward the interior volume of the trunking, and each crosswise wire comprising base portion belonging to the bottom of the trunking and two lateral branches belonging respectively to each lateral flange of the trunking, wherein at least the lengthwise wires belonging to the

bottom of the trunking each comprise a succession of longitudinal portions (5) connected by bends (7) protruding away from the interior volume of the trunking, the bends the lengthwise wires being designed to accommodate the base portions of crosswise wires and being sized so that the base portions of the crosswise wires and the longitudinal portions of the lengthwise wires lie at substantially the same level; wherein the longitudinal portions of the lengthwise wires are straight and parallel to the first direction wherein the base portions of the crosswise wires and the longitudinal portions of the lengthwise wires are arranged substantially the same plane (page 1, lines 55-58).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatch (US patent no. 1,559,695) in view of Yake (US patent no. 4,046,261). Hatch disclosed all the claimed features of applicant's invention except for the width of the bend is the same as or greater than two times the crosswise wire and that the bends each with a flat bottom. Yake teaches a bottom surface made of lengthwise and crosswise wires where the lengthwise has bends (where wire 4 and 9 rests) has flat bottom and having a bend width greater than twice the width of the crosswise wire (4 and 9, figure 3). It would have been obvious to one of ordinary skill in the art to have

Art Unit: 3632

modify the bend of Hatch such that the bend has a flat bottom with a width greater than two times the crosswise wire as taught by Yake to facilitate stability. Furthermore, it would have been an obvious matter of design choice to provide the bend width the same as or greater than two times the crosswise wire since applicant fail to disclose the criticality to having a bend width of the same or greater than two times the width of the crosswise wire. Moreover, it appears other widths would perform as well.

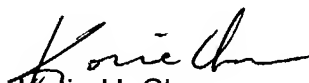
### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited art of record demonstrate various U-shaped cable raceway made of wires or wire frames having wires with bends.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 703-305-8079. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Kofie H. Chan  
Primary Examiner  
Art Unit 3632

khc  
April 1, 2004